

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
FELIPE RODRIGUEZ,

Plaintiff,

- against -

THE CITY OF NEW YORK,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, LONG ISLAND RAIL  
ROAD COMPANY, JOHN BEISEL, in his  
individual and official capacities; THOMAS  
SULLIVAN,  
in his individual and official capacities;  
CHARLES WENDEL, in his individual and  
official capacities; JERRY FENNEL, in his  
individual and official capacities; JOHN  
CALIFANO, in his individual and official  
capacities; JOHN WILDE, in his individual  
and official capacities; GEORGE  
ZAROOGIAN, in his individual and official  
capacities; and OTHER AS-YET-  
UNKNOWN POLICE  
OFFICERS & SUPERVISORS JOHN and  
JANE DOES # 1–10,

Defendants.

21 Civ. 1649 (AMD)(RLM)

**DECLARATION OF STEVEN M.  
SILVERBERG IN SUPPORT OF  
MTA DEFENDANTS’ MOTION  
TO DISMISS**

**STEVEN M. SILVERBERG**, an attorney duly admitted before the Courts of the State  
of New York and this Court, declares under penalty of perjury:

1. I am an associate attorney with the firm Hoguet Newman Regal & Kenney, LLP,  
and submit this declaration in support of Defendants Metropolitan Transportation Authority  
(“MTA”), Long Island Rail Road Company (“LIRR”) and retired Detectives Thomas Sullivan  
and Charles Wendel (together “MTA Defendants”) motion for summary judgment. I am fully  
familiar with the facts and circumstances set forth below.

2. Attached hereto as **Exhibit 1** is the Amended Complaint in this matter, which was filed on July 26, 2021. (Dkt. 33)

3. Attached hereto as **Exhibit 2** are true and correct copies of excerpts from the NYPD Investigation File (“DD-5s”) concerning the murder of Maureen.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Criminal Complaint in the matter of *People v. Rodriguez*, Supreme Court County of Queens.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a Decision and Order of New York State Supreme Court Justice Joseph A. Zayas, dated, December 30, 2019 in the matter of *People v. Rodriguez*, Index No. 1568/1989, Supreme Court County of Queens.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the transcript of the proceedings before Justice. Zayas, on, December 30, 2019 in the matter of *People v. Rodriguez*, Index No. 1568/1989, Supreme Court County of Queens.

Dated: New York, New York  
September 7, 2021



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